

Fiftieth Legislature  
First Regular Session

COMMITTEE ON GOVERNMENT

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2064

(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Section 11-268, Arizona Revised Statutes, is amended to  
3 read:

4       11-268. Removal of rubbish, trash, weeds, filth, debris and  
5                   dilapidated buildings; violation; classification;  
6                   removal by county; costs assessed; collection;  
7                   priority of lien; definition

8       A. The board of supervisors, by ordinance, shall compel the owner,  
9       lessee or occupant of buildings, grounds or lots located in the  
10      unincorporated areas of the county to remove rubbish, trash, weeds, filth,  
11      debris or dilapidated buildings which constitute a hazard to public health  
12      and safety from buildings, grounds, lots, contiguous sidewalks, streets and  
13      alleys. Any such ordinance shall require and include:

14       1. Reasonable written notice to the owner, any lienholder, THE  
15      occupant or THE lessee. The notice shall be given not less than thirty days  
16      before the day set for compliance and shall include the estimated cost to the  
17      county for the removal if the owner, occupant or lessee does not comply. The  
18      notice shall be either personally served or mailed by certified mail to the  
19      owner, occupant or lessee at his last known address, or the address to which  
20      the tax bill for the property was last mailed. If the owner does not reside  
21      on the property, a duplicate notice shall also be sent to the owner at the  
22      owner's last known address.

23       2. Provisions for appeal to the board of supervisors on both the  
24      notice and the assessments.

25       3. That any person, firm or corporation that places any rubbish,  
26      trash, filth or debris upon any private or public property located in the  
27      unincorporated areas of the county not owned or under the control of the  
28      person, firm or corporation is guilty of a class 1 misdemeanor and, in

1 addition to any fine which may be imposed for a violation of ~~any provision of~~  
2 this section, is liable for all costs which may be assessed pursuant to this  
3 section for the removal of the rubbish, trash, filth or debris.

4       B. The ordinance may provide that if any person with an interest in  
5 the property, including an owner, lienholder, lessee or occupant of the  
6 buildings, grounds or lots, after notice as required by subsection A,  
7 paragraph 1, does not remove the rubbish, trash, weeds, filth, debris or  
8 dilapidated buildings and abate the condition which constitutes a hazard to  
9 public health and safety, the county may, at the expense of the owner, lessee  
10 or occupant, remove, abate, enjoin or cause the removal of the rubbish,  
11 trash, weeds, filth, debris or dilapidated buildings.

12      C. The board of supervisors may prescribe by the ordinance a procedure  
13 for such removal or abatement and for making the actual cost of such removal  
14 or abatement, including the actual costs of any additional inspection and  
15 other incidental costs in connection with the removal or abatement, an  
16 assessment upon the lots and tracts of land from which the rubbish, trash,  
17 weeds, filth, debris or dilapidated buildings are removed.

18      D. The ordinance may provide that the cost of removal, abatement or  
19 injunction of the rubbish, trash, weeds, filth, debris or dilapidated  
20 buildings from any lot or tract of land located in the unincorporated areas  
21 of the county and associated legal costs be assessed in the manner and form  
22 prescribed by ordinance of the county upon the property from which the  
23 rubbish, trash, weeds, filth, debris or dilapidated buildings are removed,  
24 abated or enjoined. The county shall record the assessment in the county  
25 recorder's office in the county in which the property is located, including  
26 the date and amount of the assessment and the legal description of the  
27 property. Any assessment recorded after ~~the effective date of this amendment~~  
28 ~~to this section~~ AUGUST 6, 1999 is prior and superior to all other liens,  
29 obligations or other encumbrances, except liens for general taxes and prior  
30 recorded mortgages. A sale of the property to satisfy an assessment obtained  
31 under this section shall be made on judgment of foreclosure and order of  
32 sale. The county may bring an action to enforce the lien in the superior

court in the county in which the property is located at any time after the recording of the assessment, but failure to enforce the lien by such action does not affect its validity. The recorded assessment is *prima facie* evidence of the truth of all matters recited in the assessment and of the regularity of all proceedings before the recording of the assessment.

E. Assessments that are imposed under subsection D run against the property until they are paid and are due and payable in equal annual installments as follows:

1. Assessments of less than five hundred dollars shall be paid within one year after the assessment is recorded.

2. Assessments of five hundred dollars or more but less than one thousand dollars shall be paid within two years after the assessment is recorded.

3. Assessments of one thousand dollars or more but less than five thousand dollars shall be paid within three years after the assessment is recorded.

4. Assessments of five thousand dollars or more but less than ten thousand dollars shall be paid within six years after the assessment is recorded.

5. Assessments of ten thousand dollars or more shall be paid within ten years after the assessment is recorded.

F. A prior assessment for the purposes provided in this section is not a bar to a subsequent assessment or assessments for such purposes, and any number of liens on the same lot or tract of land may be enforced in the same action.

G. Before the removal of a dilapidated building the board of supervisors shall consult with the state historic preservation officer to determine if the building is of historical value.

H. If a county removes a dilapidated building pursuant to this section, the county assessor shall adjust the valuation of the property on the property assessment tax rolls from the date of removal.

1           I. ~~As used in~~ FOR THE PURPOSES OF this section, occupant does not  
2        include any corporation or association operating or maintaining rights-of-way  
3        for and on behalf of the United States government, either under contract or  
4        under federal law.

5           J. ~~As used in~~ FOR THE PURPOSES OF this section, "dilapidated building"  
6        means any real property structure that is ~~in such disrepair or is damaged to~~  
7        ~~the extent that its strength or stability is substantially less than a new~~  
8        ~~building or it is~~ likely to burn or collapse and its condition endangers the  
9        life, health, safety or property of the public."

10      Amend title to conform

and, as so amended, it do pass

JUDY M. BURGES  
Chairman

2064-se-gov  
2/15/11  
H:jmb